

S.B. Criminal Misc. Petition NO.724/2007
(Rajendra Singh Vs. UOI)

Date of order : 29.5.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. G.R. Punia with
Mr. K.V. Vyas, for the petitioner.
Mr. Panney Singh, for CBI.
Mr. S.N. Tiwari, Public Prosecutor.

By way of filing the present misc. petition, the petitioner has challenged the order dated 11.5.2007 passed by learned Additional District & Sessions Judge, Parbatsar whereby the learned trial court has passed an order for closing the opportunity to record evidence of defence side.

Earlier, in SB Criminal Misc. Petition No.154/2007 decided on 4.4.2007, an order was passed by this Court for summoning Dr. Ashok Choudhary and recording of his statement. In pursuance of the aforesaid order, summon was issued to witness - Dr. Ashok Choudhary but the same was not served upon him. Therefore, he remained absent before the trial court on the date when he was called. On that date, no information was received by the trial court with regard to the service of summon on witness - Dr. Ashok Choudhary.

In these circumstances, in the interest of the justice, the order impugned dated 11.5.2007,

closing evidence of defence side passed by Additional District & Sessions Judge, Parbatsar is set aside and it is ordered that afresh summon may be issued to witness - Dr. Ashok Choudhary. The said summon may be sent to Superintendent of Police, Jaipur for service upon him and be given dasti to the petitioner for submitting the same in the Office of Superintendent of Police, Ajmer. The trial court is further directed to give appropriate time for the purpose of service of summon and for securing the presence of witness - Dr. Ashok Choudhary.

With these directions, the misc. petition is disposed of.

(GOPAL KRISHAN VYAS), J .

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